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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

EXAMINER

HOLLOWAY III, EDWIN C

ART UNIT PAPER NUMBER

2635

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,569

Applicant(s)

ANDERSON, PETER TRANEUS

Examiner

Edwin C. Holloway, III

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

EXAMINER'S RESPONSE

1. In response to applicant's amendment filed 1-4-06, all the amendments to the specification and claims have been entered. The examiner has considered the new presentation of claims and applicant's arguments in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

Claim Rejections - 35 USC § 102 & 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Stephen (US 4302846).

Regarding claims 13-14, Stephen discloses a marker tag with coil L around a core and connected to diode 244 and capacitor C for transmitting a signal. See fig. 4A and col. 6 lines 58-68. A tracking system tracking position of the tag is provided by the detection of relative location or position that is indicated by multiple indicators 102-110 in col. 8 lines 45-61. Although the term "tracking" is not used, the multiple indicators track position as is evident from col. 9 line 26 reciting that the receiver indicates a change in tag position in order to determine the position of the tag and the exact moment the tag

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is in the doorway. Further, multiple different zones are discussed in col. 9 line 40.

4. Claims 1-2, 8-9, 15-18 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herman (US 4670740) in combination with Stephen (US 4302846).

Regarding claims 1-2, 8-9, 15-18 and 28-29, Herman discloses a transponder tag used in a surveillance or tracking system with a diode D1 in parallel with a coil L for receiving a first wireless electromagnetic signal at a first frequency and transmitting a second signal at a second frequency to identify the tag. See at least fig. 1 and the abstract. Herman does not disclose tracking position.

Stephen was discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Herman the position tracking of Stephen in order to indicate relative position of the tag in the zone, indicate when the tag passes through a doorway and/or monitor plural zones for increased security and/or more accurate detection.

5. Claims 1-3, 5, 7-12, 15-29 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Augenblick (US 3789642) in combination with Carney (US 5446447) and Stephen (US 4302846).

Augenblick discloses a transponder or target 24 used in a recognition or tracking system (col. 1 lines 50-55) with a diode 28 in parallel with a capacitor 34 and a coil 36 for receiving a first wireless electromagnetic signal at a first frequency and transmitting a second signal at one or more second frequencies. See at least fig. 1 and col. 2 line 58 - col. 3 line 62. Regarding claim 18, the transponder is identified by the response signal. Switches to vary the reactance including the capacitance and change the second frequency are included in col. 4 lines 40-51. An antenna 26 is included, but coil for the antenna is not specified.

Carney discloses an analogous art tag system with coil antenna 24 in parallel with tuning devices including capacitors 26-32 and switching diodes 42-48 controlled by controller 36 in fig. 1. Antenna 24 receives one or more first frequencies from a reader and transmits one or more second frequencies selected by the switching. The switching varies reactance or capacitance to vary the resonance frequency. A single varactor diode may be provided as in fig. 16 or separate switches in fig. 18. The See at least cols. 5-6.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Augenblick the coil antenna that Carney discloses is well known

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in such devices for receiving power and providing a response in a passive tag. It further would have been obvious to have included the controller and plural frequency selection circuits of Carney in view of the switches in figs. 10-11 of Augenblick for selecting a code in a similar manner.

Stephen was discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination applied above the position tracking of Stephen in order to indicate relative position of the tag in the zone, indicate when the tag passes through a doorway and/or monitor plural zones for increased security and/or more accurate detection.

6. Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Augenblick (US 3789642) in combination with Carney (US 5446447) and Stephen (US 4302846) as applied above and further in view of Murdoch '583 (US 5153583).

Murdoch '583 discloses a transponder with a synchronous rectifier in cols. 11 and 14 to provide simple and readily integrated rectification. A transistor for modulation switching in the integrated circuit is provided in fig. 4.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the

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combination applied above the synchronous rectifier and/or the transistor of Murdoch '583 to allow integrated circuit rectification/switching.

7. Claims 4, 6 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Augenblick (US 3789642) in combination with Carney (US 5446447) and Stephen (US 4302846) as applied above and further in view of Walton (US 4918416).

Walton discloses a transponder with a transistor switches 30 and 31 in series with diodes 25 and 25 to change reactance of the transponder and provide modulation of a response signal with low power drain. See at least fig. 1 and cols. 2-3.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination applied above at least one transistor switch in series with a diode as disclosed in Walton for low power drain.

Response to Arguments

8. Applicant's arguments filed 1-4-06 have been fully considered but they are not persuasive and/or are moot in view of the new grounds of rejection. The argument that Stephen lacks the new limitation of tracking system capable of determining at least one of position and orientation based on the response signal is not persuasive in view of cols. 8-9 of Stephen disclosing a tracking system tracking position of the

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tag by the detection of relative location or position that is indicated by multiple indicators 102-110 in col. 8 lines 45-61. Although the term "tracking" is not used, the multiple indicators track position as is evident from col. 9 line 26 reciting that the receiver indicates a change in tag position in order to determine the position of the tag and the exact moment the tag is in the doorway. Further, multiple different zones are discussed in col. 9 line 40. The argument that the other applied art lacks the new limitation of tracking system capable of determining at least one of position and orientation based on the response signal is not moot in view of the new 103 rejections necessitated by the amendment and relying on Stephen in combination as evidence that position tracking would have been obvious.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jones (US 41610971) and Kreft (US 4549176) disclose transponders with a diode to provide a response signal.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

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reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

CONTACT INFORMATION

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact an Electronic Business Center (EBC) representatives at 703-305-3028 or toll free at 866-217-9197 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at ebc@uspto.gov. The Patent EBC is a complete customer service center that supports all Patent e-business products and service applications. Additional information is available on the Patent EBC Web site at <http://www.uspto.gov/ebc/index.html>.

Any inquiry of a general nature should be directed to the Technology Center 2600 receptionist at (571) 272-2600.


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Facsimile submissions may be sent via central fax number 571-273-8300 to customer service for entry by technical support staff. Questions related to the operation of the facsimile system should be directed to the Electronic Business Center at (866) 217-9197. On July 15, 2005, the Central FAX Number will change to.

CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number. Inquiries concerning only hours and location of the Customer Window may be directed to OIPE Customer Service at (703) 308-1202.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (571) 272-3058. The examiner can normally be reached on M-F (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068.

EH
3/12/06


EDWIN C. HOLLOWAY, III
PRIMARY EXAMINER
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